

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED
PAUL DALE WOLFE
215433

CIVIL ACTION NO.
2:05-cv-742-D

PETITIONER A q: 34
DECEMBER 20 2005

VS

DEBRA R. HARRISON CLERK
U.S. DISTRICT COURT
J.C. GILES, et.al.,
RESPONDENTS

**PETITIONER'S RESPONSE TO RESPONDENT'S
THIRD SUPPLEMENTAL ANSWER TO COURT'S ORDER**

Comes now Petitioner **PAUL DALE WOLFE, PRO-SE, 215433**, in response to the Attorney General's third supplemental answer dated December 15TH 2005, Will Show The Following:

STATEMENT OF THE FACTS

On or near November 29TH 2005 Petitioner **PAUL DALE WOLFE** filed "Petitioners Response to Respondent's Second Supplemental Answer To Court's Order" In this filing was Exhibit A, and Exhibit C,. These Exhibits show that the Honorable Judge Truman M. Hobbs Jr. denied the Petitioner's State Habous Courps by Motion, and with this Honorable Judges signature.

In the Respondent's third supplemental answer to Court's order #3 the Attorney General's office state's that "wolfe has not exhausted his State Court Remedies" when in fact he has. When the Honorable Judge Truman M. Hobbs Jr. denied Petitioner's state habous courpus, this denial was the end of this state exhaustion. SEE TITLE 15-22-50 AND SEE: DAILEY VS STATE 402 SO. 2D 1117 (1981) AND SEE: GREEN VS STATE 436 SO.2D 803(1983).

Also in Respondent's third Supplemental Answer #5 the state habous corpos petition filed by Wolfe in Barbour County did address Petitioner's conviction and sentence. Petitioner filed this habeas corpus on February 7TH 2005.

On April 29Th 2005 The Circuit Court of Barbour County,Clayton Division, Ordered that the Petitione be transferred to the County where the conviction occured: Motgomery County, Alabama, which the Honorable Circuit Judge Burt Smithart signed.

It is to no fault of the Petitioner that this Order was not followed.SEE 15-22-50 after 30 days Circuit Court has no jurisdiction.CODE 1975.

On April 19Th 2005 The Honorable District Attorney filed a Motion to Dismiss or in the Alternative Transfer.

The District Attorney's Office of Barbour County stated in this Motion that "the matter alleged by the defendant is in fact a rule 32 petition and should be transferred to the Circuit of it's origin believed to be Case No CC-2003-498 and believed to be from Montgomery,County.

The Honorable Judge Burt Smithart agreed to this Motion and in responce Ordered that the Petition be transferred to the County of Montgomery.

On April 29Th,10 days after the Motion to Dismiss Transfer was Filed.

On June 27Th 2005 The Honorable Judge Truman M.Hobbs Jr. denied by a Motion and with his signature, the Petitioners Habeas Corpus,therefore Exhausting Petitioners State Remedies.

RESPECTFULLY SUMMITTED

PRO-SE
PAUL DALE WOLFE 215433-6A
VENTRESS.CORR.FA
P.O.BOX 767
CLAYTON,ALABAMA

36016

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT A COPY OF THE SAME FOREGOING MOTION HAS BEEN SERVED UPON THE HONORABLE ATTORNEY GENERAL, 11 SOUTH UNION STREET MONTGOMERY, ALABAMA 36130-0152, AND UPON THE HONORABLE OFFICE OF THE CLERK UNITED STATES DISTRICT COURT P.O.BOX 711 MONTGOMERY, ALABAMA 36101-0711 BY PLACING THE SAME INTO THE UNITED STATES MAIL BOX AT VENTRESS CORR. FA. CORRECTLY ADDRESSED AND POSTAGE PREPAID THIS THE 17TH DAY OF DECEMBER 2005.

STATE OF ALABAMA

COUNTY OF ALABAMA

SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC THIS THE 17th DAY OF Dec. 2005.

Carolyn R. Abercrombie
NOTARY PUBLIC

My Commission Expires August 18, 2007

COMM. EXP. DATE

RESPECTFULLY SUBMITTED


PRO-SE
PAUL DALE WOLFE #15433-6A
VENTRESS CORR.FA.
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CLAYTON, ALABAMA 36016